

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

245206

DATE OF REPORT (DAY-MO.-YEAR)

31 July 1998

13 August 1998*

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM: INVESTIGATOR'S NAME Andrew Palahniuk		RANK Inv.	STAR NO. 007	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113
ADDRESS OF INCIDENT [REDACTED]		DATE OF INCIDENT - TIME 09 May 98 2010		BEAT OF INCIDENT 1222	LOCATION CODE* 17	
NAME 1. Robert Poholik		RANK PO	STAR NO. 10721	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 012
NAME 2. James Daniels		RANK PO	STAR NO. 4087	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 012
ACCUSED	SEX/RACE/D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		PHYS. COND. CODE†
	1. M/W [REDACTED] 66	29 June 92		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	2. M/W [REDACTED] 67	05 July 94		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE
COMPLAINANTS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	M/B	[REDACTED] 56
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	M/H	[REDACTED] 71
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F/H	[REDACTED] 75
VICTIMS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	[REDACTED]	[REDACTED]	[REDACTED]	n/p	F/H	[REDACTED] 75
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	M/H	unk.
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F/H	[REDACTED] 75
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS
[REDACTED] telephoned the Office of Professional Standards on 10 May 1998, at 1145 hours, and registered a complaint with Investigator Barbara Harris, Star #85. [REDACTED] alleged that on 09 May 1998, at approximately 2010 hours, in the vicinity of [REDACTED] Officer Poholik and/or Daniels: 1) physically abused him, in that they kicked him about the body and throat, choked him and struck him on the legs with a baton. [REDACTED] alleged that on 09 May 1998, at approximately 1955 hours, in the vicinity of [REDACTED] Officer Gonzalez and/or Urbanski: 2) physically abused him, in that they kicked him about the face and body.

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, FAX/BELL IN TELEPHONE BOX.

CPD-44.112A (1/84)

C.R. NO.

245206

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SUMMARY

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ATTACH-
MENTS

INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
8,16,25	31,35,39,49,53	8,14,21,27-30,42,55	56

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

ALLEGATION #1 Not Sustained against Officer Poholik
ALLEGATION #1 Not Sustained against Officer Daniels
ALLEGATION #2 Not Sustained against Officer Urbanski
ALLEGATION #2 Not Sustained against Officer Gonzalez

APPROVED

OPS Acting Supervisor Dennis Jones, Star #60

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

11 May 98

DATE COMPLETED
(DATE OF THIS
REPORT)

31 July 98

ELAPSED TIME
(TOTAL TIME
EXPRESSED IN DAYS)

81 days

Investigator will initiate the Command Channel Review
form by completing the Investigator's Section.

INVESTIGATOR

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

OFFICE OF PROFESSIONAL STANDARDS

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ACCUSED: (continued)

3. Raymond Urbanski, Police Officer, Star #6323, SS# [REDACTED] Employee # [REDACTED] Unit 012, M/W, DOB: [REDACTED] 69, DOA: 02 May 94, On duty, Sworn, Code: 01.

4. Joel Gonzalez, Police Officer, Star #5301, SS# [REDACTED] Employee # [REDACTED] Unit 012, M/H, DOB: [REDACTED] 67, DOA: 03 January 95, On duty, Sworn, Code: 01.

INVESTIGATION:

Initially, the original complainant, [REDACTED] failed to respond to the numerous attempts made to contact him, and arresting Officers Poholik and Daniels were requested to submit reports to the allegations gleaned from the Complaint Against Department Member Form. However, in the interim [REDACTED] came to the Office of Professional Standards and gave a written statement, which not only reiterated his original allegations, but included additional allegations against unknown officers beating an acquaintance known only as [REDACTED] stated that he was arrested when he and [REDACTED] stopped and watched unknown officers beating [REDACTED] alleged that while en route to the 009th District Station, Officers Poholik and Daniels stopped their squad car underneath a viaduct and physically abused him, in that they kicked him about the body and throat, choked him and struck him about the legs with a baton. [REDACTED] said that he sustained a bruise to his chest and throat, and three days afterwards went to the [REDACTED] The medical records from [REDACTED] indicate that [REDACTED] said that he got kicked in the chest and hit with a baton on the right leg, and still taking medication for lower back pain that he complained about one week ago. [REDACTED] was diagnosed as having neck pain and being kicked in chest/neck.

The Arrest Report of [REDACTED] indicates that he was charged with Disorderly Conduct and placed under arrest by Officers Poholik and Daniels, who reported that [REDACTED] was yelling obscenities and refused to leave the area when told to do so by Beat 1240. The lockup keepers Visual Screening Check indicates no obvious pain or injury. The Identification Record photograph taken of [REDACTED] reveals no injury to his face, head or neck.

Accused Officers Robert Poholik and James Daniels submitted reports stating that they arrested and transported [REDACTED] without incident. Both officers categorically denied the allegations made against them and one another in total.

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INVESTIGATION: (continued)

██████████ telephoned the Reporting Investigator and related that he was with ██████████ and witnessed the police beat a guy named ██████████. ██████████ stated that he really does not want to get involved, but said that he would cooperate if ██████████ identity became known and if he made a complaint.

The investigation revealed that ██████████ was ██████████ who gave a written statement while incarcerated at County Jail. ██████████ stated that he got into an altercation with ██████████ and ran when the police confronted him. ██████████ said that he was apprehended a short distance away and kicked about the head and body by numerous unknown officers, which he could not describe. ██████████ stated that the left side of his face was swollen, both knees and left ankle were swollen and ribs hurt, and taken to ██████████.

Photographs taken of ██████████ reveal a bruise and swelling to the left side of his face, a bruise to the right cheek, and bruises to both knees.

Medical records indicate that ██████████ was brought to ██████████ in police custody at 2241 hours, and stated that he was "jumped" by a gang at 1800 hours, and kicked to the left eye and in the right chest and complaining of pain. ██████████ was diagnosed as having hematoma to the left eye, and scrape to the left face and right cheek, scrapes to both knees and hematoma to the right calf.

The Arrest Report of ██████████ indicates that he was placed under arrest by Officers Urbanski and Gonzalez. ██████████ was charged with two(2) counts of Domestic Battery on complaints signed by ██████████. The narrative portion indicates that ██████████ had fallen several times, and then resisted being placed under arrest. The officers further reported that ██████████ struck his face against the police cage while being transported. The Simple Battery Case Report in essence purports the same information as contained in the Arrest Report. The Case Report lists ██████████ as a witness.

██████████ was interviewed via the telephone and stated that ██████████ struck her and ██████████ and said that she flagged down a police Sergeant. She said that ██████████ fled and lost one gym shoe in the process. ██████████ said that she did not see ██████████ apprehended and placed under arrest. ██████████ said that ██████████ was with her at the time of ██████████ arrest.

INVESTIGATION: (continued)

[REDACTED] was interviewed via the telephone and said that [REDACTED] being struck by [REDACTED] stated that [REDACTED] was drunk and fell several times before being apprehended about one half block away. [REDACTED] stated that she did not see any officer(s) physically abuse [REDACTED] while placing him under arrest.

Arresting Officers Raymond Urbanski and Joel Gonzalez were made accused and submitted reports. Both officers denied physically abusing [REDACTED] or seeing any officer(s) do so. Officers Urbanski and Gonzalez reported that [REDACTED] sustained lacerations to his knees from falling several times while fleeing, and lacerations from repeatedly striking his face against the police cage.

CONCLUSION:

[REDACTED] alleged that there were no witnesses when he was kicked about the head and body, choked and struck to the leg with a baton. However, the Identification Record photograph and medical records do not indicate any significant as alleged, and the screening record denotes no obvious pain or injury. Therefore, it is recommended that the findings for the allegations made against Officers Poholik and Daniels be Not Sustained.

[REDACTED] alleged that numerous unknown officers kicked him about the face and body, and photographs taken depict numerous lacerations and scrapes. However, the medical records indicate that [REDACTED] told hospital personnel that he had been "jumped" by a gang two hours prior to his arrest. [REDACTED] gave contradicting versions, in that [REDACTED] stated that she did not see [REDACTED] being apprehended and said that [REDACTED] was with her, while [REDACTED] stated that she witnessed [REDACTED] being apprehended and did not see any officer(s) physically abuse him. The accused denied beating [REDACTED] and reported that he fell several times prior to being apprehended and then struck his face/head against the police cage when being transported. Therefore, based on the statements and physical evidence at hand, it is recommended that the findings for the allegations given to arresting Officers Urbanski and Gonzalez be Not Sustained.

/pm